

## Message Text

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C O N F I D E N T I A L MANILA 11528

E.O. 11652: GDS

TAGS: OVIP (ROBINSON, CHARLES W.)

SUBJECT: DEPSEC VISIT MANILA - BRIEFING PAPER: HUMAN RIGHTS  
IN THE PHILIPPINES

REF: MANILA 11484

1. WHILE BASIC POLITICAL RIGHTS REMAIN CURTAILED UNDER THE CURRENT MARTIAL LAW REGIME, THE PHILIPPINES HAS A FAIR HUMAN RIGHTS RECORD BY THE PREVAILING INTERNATIONAL STANDARDS. ISOLATED INSTANCES OF TORTURE AND EVEN MURDER OF POLITICAL DETAINEES APPARENTLY HAVE BEEN MORE ABERRATIONS THAN THE RESULT OF GOVERNMENT POLICY. NEVERTHELESS, MARTIAL LAW AND THE RESULTANT INCREASE OF THE POWER OF THE MILITARY CREATES AN ENVIRONMENT CONDUCTIVE TO SUCH ABERRATIONS. THE POLITICAL LEADERSHIP IS AWARE OF THIS DANGER AND HAS TAKEN SOME STEPS TO ATTENUATE IT. BUT, AS MUCH AS THE MARCOS REGIME WISHES TO COMPILE A RECORD OF REASONABLE COMPLIANCE WITH INTERNATIONALLY ACCEPTED HUMAN RIGHTS STANDARDS, THIS GOAL IS SUBORDINATE TO ITS PRIMARY CONCERN OF REMAINING IN POWER, EVEN IF THIS ENTAILS MORE SEVERE REPRESSION.

2. MARTIAL LAW. THE PHILIPPINES CONTINUES UNDER MARTIAL LAW DECLARED BY PRESIDENT MARCOS IN SEPTEMBER 1972. MARCOS ACTED IN ACCORDANCE WITH THE EMERGENCY  
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PROVISIONS WHICH ARE CONTAINED IN BOTH THE OLD AND NEW

CONSTITUTIONS. ON SEVERAL OCCASIONS, THE SUPREME COURT OF THE PHILIPPINES HAS SUSTAINED THE PRESIDENT'S SUSPENSION OF THE WRIT OF HABEAS CORPUS AND THE VALIDITY OF MARTIAL LAW. OSTENSIBLY, MARTIAL LAW HAS BEEN APPROVED BY THE CITIZENRY IN THREE NATIONAL REFERENDUMS (JANUARY AND JULY 1973 AND FEBRUARY 1975). THESE EXERCISES IN PLEBISCITE DEMOCRACY WERE CAREFULLY CONTROLLED.

3. POLITICAL PRISONERS. THE ESTIMATED NUMBER OF PERSONS DETAINED IN THE PHILIPPINES UNDER MARTIAL LAW IS 5,000. THE PHILIPPINE GOVERNMENT CLAIMS THAT 90 PERCENT OF THIS TOTAL ARE BEING HELD FOR PURELY CRIMINAL ACTS AND THAT ONLY ABOUT 500 ARE DETAINED FOR SUBVERSIVE ACTIVITIES. OF THE LATTER CATEGORY, THE MAJORITY ARE FORMER MEMBERS OF THE MOSIST-ORIENTED NEW PEOPLE'S ARMY.

4. PRINCIPAL DETAINEES. THE LEADING POLITICAL OPPONENTS OF THE MARCOS REGIME CURRENTLY UNDER DETENTION ARE FORMER SENATORS BENIGNO AQUINO, EUGENIO LOPEZ, JR., SERGIO OSMENA III, AND FATHER EDICIO DE LA TORRE. THE PRINCIPAL REASONS AQUINO IS DETAINED SEEMS TO BE FEAR THAT, AS A LEADING PRE-MARTIAL LAW OPPONENT OF THE PRESIDENT, HE WOULD THREATEN MARCOS'S POSITION IF RELEASED. HIS TRIAL BEFORE A MILITARY TRIBUNAL RESUMED AUGUST 3 AFTER OVER A YEAR'S HIATUS. LOPEZ AND OSMENA ARE CHARGED WITH COMPLICITY IN A PLOT TO ASSASSINATE THE PRESIDENT. THERE IS SOME EVIDENCE THAT THEY WERE AT LEAST PERIPHERALLY INVOLVED IN A PLOT, BUT THE PRESUMED MOTIVE FOR THEIR DETENTION IS THAT IT SERVES AS A LEVER AGAINST THEIR PROMINENT FAMILIES. DE LA TORRE IS ACCUSED OF CONSPIRACY TO COMMIT REBELLION. HE WAS PROBABLY CONNECTED TO THE NEW PEOPLE'S ARMY. THE CASES OF THESE DETAINEES CONTINUE TO EVOKE INTEREST IN THE UNITED STATES, ESPECIALLY IN CONGRESS.

5. MILITARY TRIBUNALS. PRESIDENT MARCOS ANNOUNCED IN A JULY 20 NEWS CONFERENCE THAT TRIALS OF ALL POLITICAL PRISONERS WILL BEGIN IN AUGUST. HE ALSO ANNOUNCED HIS INTENTION EVENTUALLY TO ABOLISH THE MILITARY TRIBUNALS.

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BUNALS.

6. TORTURE ISSUE. SEVERAL REPORTS HAVE ALLEGED THAT TORTURE OF POLITICAL PRISONERS IS COMMON IN THE PHILIPPINES. A 100-PAGE REPORT OF THE ASSOCIATION OF MAJOR RELIGIOUS SUPERIOUS IN THE PHILIPPINES, WHICH WAS MADE PUBLIC APRIL 28S DOCUMENTED DETENTIONS AND TORTURES IN CONSIDERABLE DETAIL. AMNESTY INTERNATIONAL

(AI) CONDUCTED AN INVESTIGATION HERE IN LATE 1975. THE RESULTS OF ITS INVESTIGATION RECENTLY WERE LEAKED TO INTERNATIONAL PRESS,BUT HAVE NOT YET BEEN MENTIONED IN THE GUIDED PHILIPPINE PRESS. THE AI REPORT CLAIMS THAT TORTURE HAS BEEN SYSTEMATICALLY USED AGAINST THOSE WHO HAVE NO MEANS OF APPEALING TO IMPORTANT FRIENDS OR INSTITUTIONS. IT DESCRIBES DETAINEE CENTERS AS "GROSSLY UNHYGIENIC, FETID, AND APPALLING." A REPORT OF THE INTERNATIONAL COMMITTEE OF RED CROSS IS UNDER PREPARATION AND IS EXPECTED TO REACH SIMILAR CONCLUSIONS. IN RESPONSE TO THE AI REPORT, SECRETARY OF DEFENSE ENRILE ON JUNE 27 DIRECTED FREQUENT INSPECTIONS OF DETENTION CENTERS, ORDERED THE MILITARY AND POLICE TO HANDLE DETAINEES IN ACCORDANCE WITH THE LAW, AND ISSUES A VARIETY OF REGULATIONS TO UPGRADE DETAINEE TREATMENT. ENRILE'S DIRECTIVE HAS BEEN GIVEN WIDE PUBLICITY, BUT IT REMAINS TO BE SEEN HOW SERIOUS THE REGIME'S EFFORT WILL BE TO CORRECT THE CONDITIONS HIGHLIGHTED IN THE REPORTS.

7. FREEDOM OF THE PRESS. ALL THE MAJOR MANILA NEWSPAPERS ARE NOW OWNED BY SUPPORTERS OF MARTIAL LAW AND TAKE THEIR CUES ON WHAT TO PUBLISH FROM THE MARCOS REGIME. ONLY TWO PUBLICATIONS HAVE BEEN CONSISTENTLY CRITICAL OF THE GOVERNMENT. THESE ARE THE MIMEOGRAPHED CHURCH PUBLICATION, "SIGNS OF THE TIMES," AND THE UNIVERSITY OF THE PHILIPPINES' STUDENT NEWSPAPER, "PHILIPPINE COLLEGIAN". ARTICLES IN THE LATTER WERE PROVOCATIVE ENOUGH TO RESULT IN THE ARREST OF ITS EDITOR IN JANUARY.

8. OPPOSITION. DESPITE THE SUSPENSION OF HABEAS CORPUS, THE ABOLITION OF CONGRESS, AND THE GUIDED PRESS, LIMITED  
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DISSENT IS ALLOWED. BY NOW THE LIMITS OF DISSENT ARE WELL UNDERSTOOD, AND ARE ONLY OCCASIONALLY EXCEEDED. A WAVE OF ARRESTS IN JANUARY 1976 WAS THE ONLY MAJOR EXCEPTION TO A GENERAL RELAXATION WHICH HAS BEEN THE PATTERN OVER THE PAST YEAR.  
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